

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1100-07  
Bill No.: SS for SCS for HS for HB 421  
Subject: Alcohol; Liability.  
Type: Original  
Date: May 9, 2001

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
None			
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 3 pages.

## FISCAL ANALYSIS

### ASSUMPTION

In response to similar legislation from this year, officials of the **Office of Prosecution Services**, and the **Office of the State Public Defender** each assumed this proposal would not fiscally impact their respective agencies.

Officials of the **Office of the State Courts Administrator** assumed this proposal would not fiscally impact their agency.

Officials from the **Office of the Attorney General** did not respond to our request for fiscal impact, however, **Oversight** assumes this proposal would not have a fiscal impact on their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

### FISCAL IMPACT - Small Business

Small businesses that sell intoxicating beverages by the drink would, seemingly be asserted a level of protection from liability with this proposal.

### DESCRIPTION

Under current law, persons licensed to sell intoxicating beverages cannot be held liable for injuries to others inflicted by persons who purchase those intoxicating beverages unless the person licensed to sell intoxicating beverages is first convicted of selling them to a person under age 21 or to an obviously intoxicated person. This proposal adds that this sale must be shown to be made by a person who knew or had reason to know that the recipient was a person under the

DESCRIPTION (continued)

age of 21 or was obviously intoxicated, and must be proven by clear and convincing evidence.  
The proposal also defines "obviously intoxicated"

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator  
Office of Prosecution Services  
Office of the State Public Defender

**NOT RESPONDING:**      **Office of the Attorney General**



Jeanne Jarrett, CPA  
Director

May 9, 2001